



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Edward J. Cheal et al.

Serial No.: 10/605,322

Filed: September 22, 2003

For: Joint Prosthesis and Components
Thereof

Art Unit: 3738

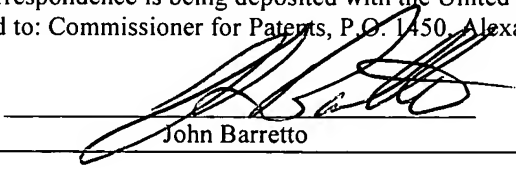
Examiner:

Confirmation No.: 2321

Atty. Docket: APK-001.02

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. 1450, Alexandria, VA 22313-1450 on March 23, 2004.


John Barretto

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

The above-referenced application is a continuation of USSN 09/583,805, which was filed on May 30, 2000, which claims priority to 60/136,815, which was filed June 1, 1999, and 60/168,526, which was filed on December 2, 1999. Accordingly, Applicants request that all documents made of record in USSN 09/583,805 be made of record in the above-referenced application. Copies are submitted herewith of Forms PTO 1449 filed December 19, 2000, August 2, 2002 and September 19, 2003.

In accordance with 37 CFR 1.98(d)(2), no copies of the references cited in these Forms PTO 1449 are enclosed herewith, because the Information Disclosure Statements filed in USSN 09/583,805 complied with 37 CFR 1.98 sections (a) through (c).

In addition, a further Form PTO 1449 is filed listing references cited by the Examiner in USSN 09/583,805. Copies of the references are not submitted because they are all U.S. Patent documents.

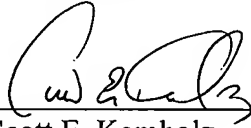
Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Form PTO Form 1449.

This submission does not represent that a search has been made or that no better art exists. Nor does it constitute an admission that the listed documents are material or constitute "prior art." If the Examiner applies the cited documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of said document. Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the cited references be applied against the claims of the present application.

This Information Disclosure Statement is being filed with the application; therefore, no fees are due. However, the Commissioner is authorized to credit any overpayment or charge any deficiencies to/from our Deposit Account, No. 06-1448.

Dated: March 23, 2004
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Respectfully submitted,
FOLEY HOAG LLP



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Agent for Applicant

Form PTO-1449

INFORMATION DISCLOSURE CITATION

IN AN APPLICATION

(Use several sheets if necessary)

Docket Number (Optional)

APK-001.02

Application Number

10/605,322

Applicant
Cheal, E. et al.Filing Date
9/22/03Group Art Unit
3738

U.S. PATENT DOCUMENTS

| EXAMINER INITIALS | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
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| AA | 4,963,155 | 10/16/90 | Lazzeri et al. | 623 | 23 | 08/30/89 |
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| AC | 5,888,245 | 3/30/99 | Meulink et al. | 623 | 23.35 | 5/21/97 |
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FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation | |
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OTHER DOCUMENTS

(Including Author, Title, Date, Pertinent Pages Etc.)

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| EXAMINER | DATE CONSIDERED |

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

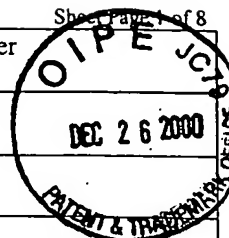
**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**
(Use several sheets if necessary)

Docket Number (Optional)
APK-001.01 (22697-101)

Application Number
09/583,805

Applicant
Edward J. Cheal and George B. Cipolletti

Filing Date
May 30, 2000

Group Art Unit
3738

U.S. PATENT DOCUMENTS

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| | AB 4,051,559 | 10/04/77 | Pifferi | 3 | 1.912 | 09/01/76 |
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Form PTO-1449

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**
(Use several sheets if necessary)

Docket Number (Optional)
APK-001.01 (22697-101)

Application Number
09/583,805

Applicant
Edward J. Cheal and George B. Cipolletti

Filing Date
May 30, 2000

Group Art Unit
3738

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**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**
(Use several sheets if necessary)

Docket Number (Optional)
APK-001.01 (22697-00101)

Application Number
69/583,805

Applicant
Cheal, et al.

Filing Date
May 30, 2000

Group Art Unit
3738

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| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
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EXAMINER

A. Stewart

DATE CONSIDERED

07/18/02

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE


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PTO/SB/42 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|---|--|----------------------------------|
| 37 CFR 1.501 INFORMATION DISCLOSURE CITATION IN A PATENT (Sheet 1 of 1) | Docket Number (Optional) APK-001.01 | Application Number 09/583,805 |
| | Applicant Cheal, Edward J. | |
| | File Date May 30, 2000 | Art Unit 3738 |

U. S. PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | |
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| AS | WO 93/02641 | 02/18/93 | PCT | A61F | 2/30 | X | |

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|------------------------|--|-------------------------|
| AS | International Search Report, International Application Ser. No. PCT/US00/15059 | SEP 25 2003 |
| EXAMINER A. Stewart | DATE CONSIDERED 12/02/03 | TECHNOLOGY CENTER R3700 |

This collection of information is required by 37 CFR 1.501. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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